

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUPREME FOODSERVICE AG,

Plaintiff,

-v-

COMPASS GROUP PLC, ESS (AKA EUREST  
SUPPORT SERVICES), IHC SERVICES, INC., PETER  
HARRIS, ANDREW SEIWERT, ALEXANDER  
YAKOVLEV, MOXYCO, LTD., DOUG KERR, STEVE  
KEMP, LEN SWAIN, VLADIMIR KUZNETSOV,  
NIKAL, LTD., EZIO TESTA, DMITRY YAKOVLEV  
AND OLGA YAKOVLEV.

Defendants.

Case No. 06 CV 1759 (PKC)

ES-KO INTERNATIONAL, INC.,

Plaintiff,

-v-

COMPASS GROUP PLC, ESS SUPPORT SERVICES  
WORLDWIDE, EUREST SUPPORT SERVICES  
(CYPRUS) INTERNATIONAL LIMITED, PETER  
HARRIS, ANDREW SEIWERT, STEVE KEMP, LEN  
SWAIN, STEVE BICKERSTAFF, DOUG KERR, IHC  
SERVICES, INC., EZIO TESTA, ALEXANDER  
YAKOVLEV, DMITRY YAKOVLEV, VLADIMIR  
KUZNETSOV, AND JOHN DOES 1 TO 100.

Defendants.

Case No. 06 CV 2422 (PKC)

**NOTICE OF MOTION TO  
DISMISS ES-KO'S AND  
SUPREME'S RICO AND  
ANTITRUST CLAIMS**

Oral Argument Requested

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and all papers and proceedings had herein, The Compass Group PLC ("Compass"), ESS Support Services Worldwide, Eurest Support Services (Cyprus) International Limited ("ESS"), Steve Kemp, Len

Swain and Steve Bickerstaff<sup>1</sup> (collectively, the "Compass Defendants") will move this Court before the Honorable P. Kevin Castel, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be designated by the Court, for an Order dismissing ES-KO International, Inc.'s and Supreme Foodservice AG's RICO and antitrust claims with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: New York, New York  
July 17, 2006

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: 

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*Attorneys for the Compass Defendants  
Compass Group PLC, ESS Support Services Worldwide, Eurest  
Support Services (Cyprus) International Limited, Steve Kemp, Len  
Swain and Steve Bickerstaff*

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<sup>1</sup> Steve Bickerstaff contests the Court's personal jurisdiction over him, but joins in the Compass Defendants' Motion to Dismiss ES-KO's and Supreme's RICO and Antitrust Claims without waiving his defense of lack of personal jurisdiction.

To:

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